

Transportation

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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

[Protest of Navy Refusal to Accept Bid]

FILE: B-197610.2

DATE: April 22, 1980

MATTER OF: Mil-Std Corp--Reconsideration

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DIGEST:

Original decision affirmed when request for reconsideration does not contain factual or legal grounds warranting modification or reversal.

Mil-Std Corporation (Mil-Std) requests reconsideration of our decision Mil-Std Corporation, B-197610, March 7, 1980, 80-CPD___, which denied Mil-Std's protest. In that protest, and at present, Mil-Std argues that the Navy should have been permitted to accept its revived bid. The bid contained a shorter acceptance period than that customarily provided for in the IFB.

Mil-Std had limited the bid acceptance period to 20 days, rather than providing the standard 60-day acceptance period as had the other offerors. Our original decision held that award could not properly be made to Mil-Std after the expiration of its bid, notwithstanding that it had been subsequently revived. We recognized that in certain circumstances it may be appropriate to accept a bid which has been revived after its initial expiration, but not where such acceptance would compromise the integrity of the competitive bid system. Mil-Std believes our position is inconsistent because a revived bid "is valid" and could properly be accepted under governing statutes and regulations. We disagree.

In 42 Comp. Gen. 604, 606-608, (1963), referenced in our prior decision, we stated that:

"An acceptance limitation made a condition of a bid is solely for the benefit and protection of the bidder and, of course, may be waived by him if he is still willing to accept an award.

* * * * *

"[When such a bid is] not timely extended [the bidder] has a bid or it does not have

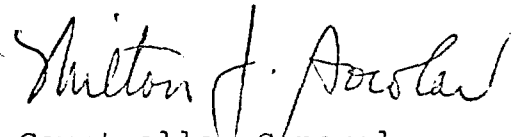
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one at its own choice, not at the choice of the Government * * * [and] * * * by limiting its bid acceptance period to 20 days [the protester] assumed the risk that the Government due to unforeseen circumstances might be unable to accept within 20 days but, at the same time, it did not assume the risk of a price increase in the supplies during the following 40-day period as did [the second lowest, responsible bidder] in granting 60 days for acceptance.

"In the circumstances, it is our view that the integrity of the competitive bidding system would best be served * * * by making an award to * * * the 'second lowest responsible bidder * * * ."

These identical circumstances obtain in the present case. In our view, Mil-Std's request for reconsideration is nothing more than a general disagreement with our prior decision and a reformulation of its original argument. It does not set forth additional facts or legal arguments to show that our prior decision was erroneous as required by our bid protest procedures. 4 C.F.R. § 20.9(a) (1980).

Accordingly, our original decision is affirmed.
Data Pathing Inc.--Reconsideration, B-188234, July 11, 1977, 77-2 CPD 14.


For the Comptroller General
of the United States